













# REPORT

ON

## SEMINARY LANDS.

---

TALLAHASSEE, 18th November, 1845.

To his Excellency W. D. MOSELEY,

*Governor of Florida :*

The *Trustees of the Seminary Lands*, beg leave to submit the following as their annual report, in conformity with the law organizing the Board.

As the subject is now for the first time to be brought before the General Assembly of Florida, it will be better understood if preceded by a short reference to the various acts of Congress, the acts of the Legislative Council and of the Executive of the Territory, which relate to this matter.

### ACTS OF CONGRESS.

3rd March, 1823,—Congress granted “an entire township,” in each of the Districts of East and West Florida. (See page 14).

24th May, 1824,—Congress declared by law that the Suwannee river should thereafter be the dividing line of East and West Florida. (See sec. 4, L.)

29th January, 1827,—Congress enacted that the township of the Eastern District, may be located “in sections, east of the Apalachicola;” and that losses by pre-emption in the township located “west of the Apalachicola,” may be located “in sections,” “on any unappropriated lands in said district of country.” (See page ). This law also gives power to the Territorial Government, to lease from year to year, &c. (See page 14).

1st July, 1836,—Congress authorized the Governor and Legislative Council to sell, “in fee simple,” “a moiety of the two townships, for the benefit of the University of Florida, of which Joseph M. White,” &c., &c., “are Trustees,” and to appropriate the proceeds for buildings, apparatus, &c. (See F).

3rd March, 1845,—Congress gave “two entire townships of land, in addition to the two townships already reserved, for the use of two Seminaries of Learning—one to be located east, and the other west of the Suwannee.” (See F).

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## ACTS OF LEGISLATIVE COUNCIL.

20th November, 1828.—A law was passed giving authority to commissioners in each county to lease the Seminary lands; and the proceeds were required to be paid into the Territorial Treasury.

11th February, 1832.—A law was passed, repealing the power to lease the Seminary lands.

12th February, 1837.—A law was enacted authorizing the Treasurer of the Territory to prosecute trespassers on Seminary lands.

4th March, 1842.—An act was passed authorizing and requiring the District Attorneys to prosecute such trespassers.

15th March, 1843.—The law was passed creating "*the Board of Trustees of the Seminary Lands.*" It provides that the Trustees, five in number, are to be annually appointed by the Governor and Council, with ample corporate powers, to take charge of the Seminary lands, protect them from waste or trespass, lease them from year to year privately or at auction, collect and distrain for rents, eject tenants, &c.

The Trustees are also to take charge of the fund to be obtained from the distribution of proceeds of public lands, the Seminary fund in the Territorial Treasury, and the rents, &c; and to lend out the same on bond and mortgage of real estate, at 8 per cent interest payable annually.

The Trustees are to receive no compensation for their services. And are to make an annual report to the Governor and Council, of their acts and doings, of the lands, funds, contracts, &c., &c.

### LOCATION OF SEMINARY LANDS.

On the 17th May, 1826.—Governor Duval reported to the Secretary of the Treasury, that he had selected Township No. 5, in Range 11, North and West, for the Township West of Apalachicola. (See page 15).

7th April, 1827.—The Secretary of the Treasury approved this selection, so far as it did not interfere with rights of pre-emption under the law of 26th April, 1826. (See page 17).

(By the above pre-emption law more than 6,700 acres of the very choicest lands were taken by various claimants, which, after deducting also the 16th section belonging to Common Schools, left for the Seminary only 15,699,80 acres, instead of 23,040.) (See page 29).

14th May, 1827.—Governor Duval, notified the Secretary of the Treasury of further selections of the Seminary lands, under the act of 1827, authorizing this to be done in sections. (See page 17).

9th June, 1827.—The Commissioner of the Land Office, forwarded the approval of part of these selections, viz: of 3,570,50 acres west of Apalachicola, and of 7,371,55 acres east of that river. (See page 18).

18th September, 1828.—Governor Duval directed the locating Agent, R. C. Allen Esq., to suspend further selections, awaiting the decision of the Supreme Court in the case of the Forbes's grant.

(After a most diligent resort to every accessible source of infor-

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mation, the Trustees are unable to ascertain all the selections that were made by the Agent, Col. Allen. His letters to the Register of the Land Office in Tallahassee, are presumed to have been destroyed in the great fire in May, 1843.)

27th May, 1844.—T. Baltzell and W. Anderson Esqrs., notified the Secretary of the Treasury of two sections, (containing 1,278,63 acres,) forming part of these old selections. (See page 25).

25th September, 1845.—The Commissioner of the General Land Office, informed of the approval by the Secretary of the Treasury of these two sections. (See page 29).

(Some other sections are known to have been selected also as Seminary Lands many years ago, and steps have been taken to obtain the approval of the Secretary of the Treasury to these also.)

The whole quantity of Seminary lands, selected and approved under the laws of 1823 and 1827, amounts to 27,920,48 acres; a particular description of which will be found in the annexed statement, marked (A.)

There remain to be selected and approved, in order to complete the Township, "west of Apalachicola," 3,766,70 acres, and for the township "east of the Apalachicola," 14,389,82 acres. Add to these sums the quantity of the further grant in 1845, (46,080 acres), and they make all together 64,246,52 acres of Seminary lands yet to be located.

By the construction which the Secretary of the Treasury gives to the act of 1827, the remaining sections to fill up the two townships granted in 1823, must be made *in bodies of a mile square*. (See page 24.) The law of 1845, is not very clear in its language, and as no selections have yet been made under it, there is some uncertainty what construction it will receive at the General Land Office. If the old decision be persisted in, that an "entire township," means a body of land six miles square, (deciding that a particular *shape*, rather than a particular *quantity* is intended,) and that it must be located so as to avoid interfering with pre-emption and other private rights and claims of settlement, it is apparent that we must go into the swamps or pine barrens, where the grant will be utterly valueless. Surely on a review of the decision, it can require no very profound argument to prove that a township, being six miles square, must contain an area of thirty-six square miles or sections; and that, if one of these sections (as the 16th for common schools,) is taken out or withheld, the other 35 do not form an "entire township;" or, in other words, that an "entire township" cannot be located in a square, without repealing the general law reserving the 16th sections for common schools. Even should a more just and liberal construction be given, and these two townships be permitted to be located in *sections*, the selections cannot be as advantageously made as in smaller bodies. For, besides the interference of private claims already alluded to, the nature of the country where these lands must be chosen, is such that but few entire sections can be taken, without including much worthless land. Congress certainly never meant to trifle

with us by a *gift* of that which is of no value, and therefore will not hesitate to authorize selections to be made even in *quarter sections*. A precedent for this exists in the act of Congress of the 2d March, 1831, granting to Illinois the privilege of locating her seminary lands in quarter sections. The same law also establishes another important precedent. It authorized Illinois to *relinquish* her "entire township," and *relocate* in "quarter sections;" and doubtless for the reason that the larger body embraced much land of no value.

Florida ought to apply for a similar law. Township 5 N. R. 11 W., was selected chiefly for the very lands afterwards taken away by pre-emption. Many of these lands could have been since sold at \$20 per acre. While sections 20, 21, 25, 26, 27, 28, 29, 33, 34, 35 and 36, containing 6,961 acres, are of little or no value. There are also parts of other sections in the township equally worthless.

The language of the law of 1845. is somewhat ambiguous as to the location of the two additional townships. The phrase in the last clause of the grant viz: "the one to be located east, the other west of the Suwannee," may be referred to the "townships" as readily as to the "seminaries," although there is little doubt that the latter was meant. It could not have been the intention of Congress to confine the location of one of these townships to be made in a land district where all the lands had been subject to private entry for 18 or 20 years. Yet, while seeking for further legislation in regard to these donations, it will be better to have this doubt entirely removed.

The statement marked (B.) shows the amount of the seminary fund, and in what it consists. It would seem proper that the Legislature should designate some mode (probably by a committee) of auditing the accounts of the board.

The sanction of that body is also respectfully requested to the expenditure by the late President for the school libraries procured by him, chiefly for the inspection of the members, and now placed in the Legislative Library for that purpose.

The duties of an agent in each county containing seminary lands, to lease, collect rents, protect from waste and trespass, &c., are arduous, and sometimes unpleasant. These duties have hitherto been assigned to different members of the board, and as the law provides that "the Trustees shall receive no compensation for their services," there has been some delicacy felt to make any charge for this agency. In two of these cases, Mr. Barkley and Dr. White, it has cost much time and trouble, and must continue to do so until some other disposition is made of the lands, and it deserves the consideration of the Legislature, whether it is sound policy to exact or expect the performance of very onerous public duties without some remuneration.

The statement marked (C.) furnishes a list of lessees, and of the rents to be paid by them for the present year. This statement will further illustrate the troublesome nature of the agency, by showing the number of persons with whom the agent has to transact business during the year.

The Trustees believe that they only express the general sentiment,

when they most respectfully urge upon the General Assembly, to take the earliest and most efficient measures to have the location of the seminary lands secured and placed on the best possible footing. The most valuable lands that can, should be reserved for our seminaries of learning, in preference to every other donation that Congress has made to Florida.

Having thus, with great brevity, stated the past action of Congress, and of our Territorial authorities, in regard to the seminary lands, together with a suggestion or two of what is yet to be done, in order to make the remaining locations in the most advantageous manner, the Board will now venture a few remarks, as to the proper disposition of these lands.

The General Government evidently intended by this donation, to create a permanent fund, to be inviolably preserved, and applied to the purposes of education. And, as a guarantee, Congress has, in every instance, restricted the States from the authority to sell or alienate these lands, except under its own immediate sanction, exacting the most solemn pledges for the faithful application of the fund.

At present we have the right only to lease from year to year; for the act of Congress of 1836, (see F), although never formally repealed, became inoperative, from the refusal of the Territorial authorities to carry out its provisions. This Board, it is true, have but a limited experience on the subject of leasing, but their opinion is decidedly and unanimously opposed to the system, both for general expediency, and for the preservation and increase of the fund. If lands are leased from year to year, or even for four or five years at a time, no permanent or valuable improvements can be expected in such short periods; while the mode of culture, consumption of timber, &c., will all be on the most wasteful and extravagant scale. We have too many examples of this, in the unprincipled destruction of many of the finest school sections. Long leases, on the other hand, are unsuited to the genius of our people, and often result in a state of things greatly to be deprecated; and of this we have abundant warning in the present condition of the anti-renters of Delaware and New York. A third objection is, that a system of leasing invites and encourages the least desirable class of population, and hence these lands are often considered nuisances in the neighborhoods where they lie. On the score of trouble and expense, in renewing leases, collecting rents, and preventing waste, it must be evident that these duties will be laborious and responsible, and their faithful performance cannot be expected without adequate compensation.

The Trustees therefore respectfully recommend that application be made to Congress for power to sell, and invest in some safe, productive funds. And there can be no doubt that this power will be readily conferred on Florida, as it has already been on the States of Alabama, Indiana, Illinois, Michigan and Missouri. Indeed this application for the right to sell, by nearly all the new States, is itself the strongest argument in favor of that policy. When the right to sell is conferred, let it be deposited with this Board, or other proper

functionary, to be exercised under a sound discretion. Let the terms of sale be liberal as to time, having the price well secured and bearing interest. The Trustees believe that many of the lands already located could be now sold to advantage; and that the interest on such sales will greatly exceed the rents that can be derived from the lands, and will increase the fund much more rapidly than by any enhancement of price which can be reasonably expected from holding the lands.

The Board has ascertained that patents are not issued for these or any other lands granted to the State by Congress. It is therefore submitted for your consideration that the State ought to have some higher evidence of title than a Commissioner's or Register's certificate. The law making the donation, fixes the *quantity*, but does not identify the *location*, or else that would be a sufficient grant. It would seem therefore as necessary to have a *patent* to show that the General Government had conveyed its title in these lands, as it is in any other case. Congress will authorize this to be done upon the proper application.

The Trustees ardently desire to see the cause of education occupy a large share of the public attention, and would cheerfully contribute all in their power by introducing the subject prominently in the present report, did they not consider it more proper to confine themselves to the more immediate object of their appointment, which is *to secure and enlarge the education fund, and thus lay broad the foundation upon which all future success must rest*. To divert the public mind from these preliminary measures, and create the impression that we are ready to embark upon some splendid scheme of public education, would be most injudicious. Had the munificent donations of Congress been properly secured, and faithfully managed for the last twenty years, we might now have been in a position to introduce some system of common education, as well as to begin with our Seminaries of a higher order. But the commencement of these glorious measures must be a little longer deferred, while we content ourselves at present, to avoid the reproach of those who follow us, by our diligence in securing a fund that shall be an honor to Florida, and adequate to the education of her children in all time to come.

Here the Board will close their annual report on the Seminary Lands and Funds under their care: but as your Excellency has requested that the President should connect with it a statement of the other donations of Congress, for a "*Seat of Government*," "*Common Schools*," and "*Internal Improvements*," so as to bring the whole subject of our PUBLIC LANDS into one document, such statement is hereto appended, with great pleasure, marked (D.); in which the subjects are classed under their respective heads, closing with an aggregate of the whole amount of locations that remain to be made, so far as they are ascertained, while I have the honor to subscribe myself your Excellency's obedient servant,

BENJ. F. WHITNER,

*President of Trustees of Seminary Lands.*

(A.)

*Statement of Seminary Lands in Florida, located under Acts of Congress, 3d March, 1823, and 29th January, 1827.*

" WEST OF APALACHICOLA."					" EAST OF APALACHICOLA."				
Subdivisions.	Sec.	T.	Range	Quan.	Subdivisions.	Sec.	T.	Range	Quan.
All.	1	5N	11 W	638 25	Fractional.	5	3N	3 W	617 75
S $\frac{1}{2}$ & N E $\frac{1}{4}$	2	"	"	479 25	All.	7	"	"	625 25
S E $\frac{1}{4}$	3	"	"	159 62	S $\frac{1}{2}$ & N W $\frac{1}{4}$	8	"	"	478 69
N $\frac{1}{2}$	4	"	"	319 37	All.	15	"	"	640 75
W $\frac{1}{2}$ , W $\frac{1}{2}$ of N					All.	17	"	"	641 00
E $\frac{1}{4}$ & W $\frac{1}{2}$ S E $\frac{1}{4}$	6	"	"	481 87	All.	18	"	"	619 25
All.	7	"	"	644 50	All.	22	"	"	639 25
SW $\frac{1}{4}$ & W $\frac{1}{2}$ S E $\frac{1}{4}$	8	"	"	240 18	All.	23	"	"	641 00
E $\frac{1}{2}$ of S W $\frac{1}{4}$	9	"	"	79 84	All.	24	"	"	642 50
N W $\frac{1}{4}$	10	"	"	159 81	All.	17	2N	4 W	639 50
N W $\frac{1}{2}$ & S E $\frac{1}{4}$	12	"	"	320 25	Fractional.	29	"	"	547 36
E $\frac{1}{2}$ of N W $\frac{1}{4}$	14	"	"	80 18	All.	30	"	"	639 25
E $\frac{1}{2}$	15	"	"	320 00	W $\frac{1}{2}$	13	1 S	5 E	322 10
All.	17	"	"	641 25	E $\frac{1}{2}$	14	"	"	320 10
All.	18	"	"	643 50	S $\frac{1}{2}$	31	"	"	322 20
All.	19	"	"	643 75	N $\frac{1}{2}$	6	2 S	"	314 23
All.	20	"	"	639 75	" East of Apalachicola,"				8,650 18
S $\frac{1}{2}$ & N W $\frac{1}{4}$ & W $\frac{1}{2}$ of N E $\frac{1}{4}$	21	"	"	559 56	" West of Apalachicola,"				19,270 30
S W $\frac{1}{4}$	22	"	"	160 00	Total approved by Sec'y. of the Treasury,				
S $\frac{1}{2}$	23	"	"	321 00					
S $\frac{1}{2}$ & N W $\frac{1}{4}$	24	"	"	479 62					
All.	25	"	"	639 50					
All.	26	"	"	640 00					
All.	27	"	"	639 25					
All.	28	"	"	640 25					
All.	29	"	"	639 50					
All.	30	"	"	644 50					
All.	31	"	"	641 50					
All.	32	"	"	639 50					
All.	33	"	"	640 25					
All.	34	"	"	641 25					
All.	35	"	"	641 75					
All.	36	"	"	641 00					
Fractional.	14	4N	7 "	545 00					
All.	23	"	7 "	641 50					
Fractional.	24	"	7 "	542 75					
All.	18	3N	9 "	642 50					
N $\frac{1}{2}$ & S W $\frac{1}{4}$ & E $\frac{1}{2}$ of S E $\frac{1}{4}$	6	5N	10 "	558 25					
All.	14	"	10 "	640 50					
ACRES,				19,270 30					

(B.)

*Statement of Seminary Funds.*

Amount paid into the <i>General Fund</i> of the Territorial Treasury for rents of 1829,	-	-	-	\$55 35
Amount paid into the <i>School Fund</i> of the Territorial Treasury for rents of 1831 and 1832,	-	-	-	85 25
Received from distribution of sales of public lands, as reported last year,	-	-	-	1736 29
Leases for 1844, in Gadsden county, collected by				-
	Dr. White,	\$120 00		
Do	yet due,	218 00	—	338 00
Leases for 1845, in Gadsden county,	-			572 00
Do 1844 and 1845, in Jackson county,	-			112 00
				<hr/>
				2,898 89

*These Funds are disposed of as follows :*

In the General Fund, in Territorial Treasury,	\$55 35
In the School Fund, in Territorial Treasury, consisting of Territorial Scrip and Bank of Florida bills,	85 25—140 60
Loaned, 27th Dec., 1844, at 8 per cent. on mortgage of real estate,	-
	1,653 36
Paid for blank leases, &c.,	5 00
Paid for postages, paper and blank book, in 1844,	3 37
In the hands of T. Baltzell Esq.,*	74 56
Paid for postages, paper and blank books, in 1845,	4 15
Amount yet due in Gadsden, on leases for 1844 and 1845,	790 00
do in Jackson, do do do,	112 00
Cash in hands of the President of the Board,	115 85
	<hr/>
	\$2,898 89

\* Judge Baltzell has a charge for professional services unadjusted. He had also purchased two sets of the New York School Library, as stated in his last annual report, at a cost of \$41 75, an expenditure which will doubtless meet with general approbation, but which requires the sanction of the Legislature before it can be properly brought into the account.

(C.)

*Statement of Lessees and Rents of Seminary Lands for 1845.*

## IN GADSDEN COUNTY.

<i>Names of Lessees.</i>	<i>Price.</i>	<i>Names of Lessees.</i>	<i>Price.</i>
Peter Wiley,	\$20 00	Thomas J. Cain,	30 00
George W. Phillips,	25 00	A. H. Campbell,	25 00
Joseph H. Sylvester,	25 00	John Buie, Sen.,	25 00
William Edwards,	2 00	Jesse Williams,	10 00
Charles S. Sibley,	10 00	Samuel Woodbury,	15 00
David W. Holloman,	20 00	Alexander Campbell,	8 00
Thomas Wren,	15 00	Solomon Owens,	6 00
Harris T. Wyatt,	10 00	William E. Kilcrest,	30 00
William S. Gunn,	75 00	Elijah Watson,	20 00
A. R. Ransome,	10 00	R. K. Shaw,	20 00
Edward J. Thomas,	1 00	Alonzo H. Alley,	12 50
William B. Seely,	7 00	Uz Williams,	25 00
John R. Hayes,	12 00	John McUllily,	20 00
William E. Howell,	8 50	Eliz. McLauchlan,	35 00
R. S. Tucker,	30 00		281 50
B. J. Lambert,	20 00		290 50
	290 50	Total,	\$572 00

## IN JACKSON COUNTY.

J. G. Roulhac, rent free,	00 00	T. M. White,	77 50
J. G. Russ, " "	00 00	J. C. Lester, (no contract)	00 00
Hugh Speare,	17 50		
J. W. Russ, (nominal,)	1 00		77 50
James E. Coulette,	4 00		34 50
James P. Coulette,	12 00		
			\$112 00
	34 50	And one case where possession	
		must be recovered by law.	

(D.)

## SEAT OF GOVERNMENT.

24th May, 1824—Congress granted one quarter section for the Seat of Government, and authorized it to be laid out and sold; also directed 3 contiguous  $\frac{1}{4}$  sections to be selected and reserved from sale. (See L.)

8th February, 1827—Congress authorized the sale of one of these  $\frac{1}{4}$  sections, the other two to be reserved, until Florida becomes a State. (See K.)

2d March, 1829—Congress designated six  $\frac{1}{4}$  sections (besides the one laid off for the seat of government) as granted to Florida, two of these, with a reserve at the water fall, to be reserved for and vested in the State, the rest authorized to be sold. (See H.)

3d March, 1845—Congress granted "eight entire sections," "for the purpose of fixing the seat of government." (See E.)

## SCHOOL LANDS.

3d March, 1845—Congress granted "section 16 in every township," "or other lands equivalent thereto," "for the use of the inhabitants of such township, for the support of public schools." (See E.)

15th June, 1844—Congress granted the power, where 16th sections are included in private claims, to select other adjacent lands, within the land district, which have been offered at public sale and remain unsold. (See G.)

20th May, 1826—Congress provided for the selection of other lands, for fractional townships, where there are no 16th sections.—(See I.)

NOTE.—Congress, by act of 2d March, 1827, authorized the State of Alabama, with the consent of the inhabitants of each township, to sell the 16th sections, and invest the proceeds in some permanent fund, so that each township shall have the interest of the proceeds of its own section; and where this is insufficient to support a school, the fund is to accumulate until it is sufficient.

And by act of 26 February, 1845, Alabama was further authorized to select other lands, in lieu of 16th sections, reserved or otherwise disposed of by Congress, "*in sections, half sections, quarter sections, or previously defined fractions.*"

It is deemed unnecessary to recapitulate the various acts of the Legislative Council respecting the School Lands, and it would greatly extend this communication, already become quite voluminous.

As far as could be conveniently ascertained, there are *one hundred and fifteen* townships in Florida (some of them fractional) within the surveys already made, where the 16th sections are covered by private claims regularly established by law. Of these, 35 are believed to be west of the Apalachicola; 44 between the Apalachicola and Suwannee, and 36 east of Suwannee.



## INTERNAL IMPROVEMENTS.

4th September, 1841—Congress granted to each new State (enumerated or hereafter admitted into the Union) 500,000 acres, for purposes of internal improvement, the selection to be made within its limits in such manner as the Legislature shall direct, to be located in parcels of not less than 320 acres each, on any public lands not specially reserved, as soon as surveyed. (See J.)

## DONATIONS OF PUBLIC LANDS TO BE LOCATED.

For two Seminaries of Learning,	64,240 52 acres.
Seat of Government,	5,120 00 “
Sixteenth Sections (taken by private claims)	73,600 00 “
Internal Improvements,	500,000 00 “
Total,	642,960 52

## LAWS OF CONGRESS REFERRED TO.

(E.) *Act of 3d March, 1845.*

An Act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in consideration of the concessions made by the State of Florida, in respect to the public lands, there be granted to the said State, eight entire sections of lands for the purpose of fixing their seat of government; also section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of public schools; also, two entire townships of land, in addition to the two townships already reserved, for the use of two seminaries of learning—one to be located east and the other west of the Suwannee river; also, five per centum of the nett proceeds of the sale of lands within said State, which shall be hereafter sold by Congress, after deducting all expenses incident to the same; and which said nett proceeds shall be applied by said State for the purposes of education.

(F.) *Act of 1st July, 1836.*

An Act to authorize the Governor and Legislative Council of the Territory of Florida to sell the lands heretofore reserved for the benefit of a general seminary of learning in said Territory.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Governor and the Legislative Council of the Territory of Florida, shall be, and they are hereby authorized to sell and convey, in fee simple, for the benefit of the University of Florida, of which Joseph M. White, R. K. Call, Thomas Randall, John G. Gamble, Thomas Eston Randolph, Louis M. Goldsborough, Ben. Chaires, Turbutt R. Betten, F. Epps, E. Loockerman, Fitch W. Taylor, J. Loring Woart,

Ashbell Steele, and J. Edwin Stuart, are trustees, any part not exceeding one half of the two townships of land heretofore reserved and appropriated by Congress for the establishment and support of a seminary of learning in the Territory of Florida, and to appropriate so much of the money arising from the sale thereof as may be deemed expedient, for the erection of commodious and durable buildings for said University, for the purchase of apparatus, and whatever else may be suitable for such University ; and to invest the remainder in some productive funds, the proceeds of which shall be devoted forever, to the benefit of said University of Florida.

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(G.) *Act of 15th June, 1844.*

An Act to authorize the selection of certain School Lands in the Territories of Florida, Iowa and Wisconsin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That wherever the sixteenth sections in said Territories, either in whole or in part, are now or may hereafter be included in private claims, held by title confirmed or legally decided to be valid and sufficient, other lands equivalent thereto, within any land district in said Territories most adjacent to said lands so taken up by private claims, "which have been offered at public sale, and remain unsold," may be selected in lieu thereof, under the direction of the Secretary of the Treasury ; and the lands so selected shall be entered in the office of the register of the land district in which they may lie, and be by such register reported to the Commissioner of the General Land Office as School lands selected under this act : *Provided,* That before making any entry of such other lands, the case shall be made out to the satisfaction of the register and receiver of said district, agreeably to rules to be prescribed by the Commissioner of the General Land Office, for the purpose of showing that the sixteenth section or part thereof, has been included in the manner above mentioned.

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(H.) *Act of 2nd March, 1829.*

An Act to authorize the establishment of a Town on land reserved for the use of Schools ; and to direct the manner of disposing of certain reserved quarter sections of land for the Seat of Government of Florida.

SEC. 2. *And be it further enacted,* That the following quarter sections of land which have been heretofore reserved from sale, to wit : The north-east and north-west quarters of section thirty-six in township one, R. one north and west, the north-east, south-west and south-east quarters of section one in township one of range one south and west ; and the south-west quarter of section six in township one of range one south and east, shall be granted to the Territory of Florida.

SEC. 3. *And be it further enacted,* That the Governor and Legislative Council of Florida or a majority of them be, and are hereby authorized to select any two of the aforesaid quarter sections of land,

to be reserved for and vested in the State, should the Territory of Florida ever be erected into one, in conformity to the provisions of the fourteenth section of the act passed on the eighth of February, one thousand eight hundred and twenty-seven; and the residue of the above described quarter sections of land or any part thereof, including so much of the north-east quarter of section one, in township one of range one south and west, contiguous to the creek and water fall, as shall not be reserved agreeable to the provisions of the act above mentioned, for the town of Tallahassee, shall be sold in such manner, and at such time as the Governor and Legislative Council of Florida may deem proper, and the proceeds applied to the erection of public buildings in Tallahassee, any act or acts to the contrary notwithstanding.

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(I.) *Act of 20th May, 1826.*

An Act to appropriate Lands for the support of Schools in certain Townships and fractional Townships not before provided for.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That to make provision for the support of Schools, in all Townships or fractional Townships, for which no land has heretofore been appropriated for that use, in those States in which section number sixteen, or other land equivalent thereto, is by law directed to be reserved for the support of Schools in each Township, there shall be reserved and appropriated, for the use of Schools, in each entire Township or fractional Township, for which no land has been heretofore appropriated or granted for that purpose, the following quantities of land, to wit:—for each Township or fractional Township, containing a greater quantity of land than three quarters of an entire Township, one section; for a fractional Township, containing a greater quantity of land than one half, and not more than three quarters of a Township, three quarters of a section; for a fractional Township, containing a greater quantity of land than one quarter, and not more than one-half of a Township, one-half section; and for a fractional Township, containing a greater quantity of Land than one entire section, and not more than one quarter of a Township, one quarter section of land.

SEC. 2. *And be it further enacted,* That the aforesaid tracts of Land shall be selected by the Secretary of the Treasury, out of any unappropriated public land within the Land District where the Township for which any tract is selected may be situated; and, when so selected, shall be held by the same tenure, and upon the same terms, for which the support of Schools, in such Townships, as section number sixteen, is or may be held, in the State where such Township shall be situated.

(J.) *Act of 4th September, 1841.*

AN ACT to appropriate the proceeds of the Entry of Public Lands, and to grant Pre-emption Rights.

SEC. 8. *And be it further enacted*, That there shall be granted to each State specified in the first section of this act, five hundred thousand acres of land, for purposes of Internal Improvement : *Provided*, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already secured as aforesaid, make five hundred thousand acres, the selections in all of the said States, to be made within their limits respectively, in such manner as the Legislature thereof shall direct ; and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress, or Proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, shall have been surveyed according to existing laws. And there shall be, and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of Internal Improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

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(K.) *Act of 8th February, 1827.*

AN ACT to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes.

SEC. 14. *And be it further enacted*, That it shall be lawful for the Governor and Legislative Council to sell one of the reserved quarter sections of land near Tallahassee, and apply the proceeds to the erection of public buildings ; and it shall be lawful for them to reserve such portion of the quarter section to the town of Tallahassee, contiguous to the creek and waterfall, as may, in their opinion, contribute to the health and convenience of the inhabitants ; and they shall have power to pass laws for the preservation of, and expulsion from, the other two reserved quarter sections, all intruders, and to abate all nuisances ; which said two reserved quarter sections shall be reserved for, and vested in, the State, should that Territory ever be erected into one.

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(L.) *Act of 24th May, 1824.*

AN ACT providing for a grant of land for the seat of Government in the Territory of Florida, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives*

*of the United States of America in Congress Assembled*, That there shall be, and hereby is, granted to the Territory of Florida, one entire quarter section of land, or fractional section, not exceeding in quantity one quarter section, for the seat of Government in that Territory, to be located previously to the sale of the adjacent lands, under the authority of the Governor thereof, at the point selected for the permanent seat of Government for said Territory.

SEC. 2. *And be it further enacted*, That the Governor and Legislative Council of the Territory aforesaid, or a majority thereof, be, and they are hereby, authorized to adopt such measures as to them may seem expedient, for the sale of said tract of land, or any part thereof, for the purpose of raising a fund for the erection of public buildings at said seat of Government.

SEC. 3. *And be it further enacted*, That there shall be and hereby are reserved from sale three entire quarter sections of lands of the United States, lying contiguous to and adjoining the quarter section granted by the first section of this act, to be located by the Governor of said Territory.

SEC. 4. *And be it further enacted*, That so much of the seventh section of the act of Congress of the third of March, one thousand eight hundred and twenty three, entitled "An act amending and supplementary to the act entitled 'An act to provide for the survey and disposal of the public lands in Florida,'" as prevents the appointment of a surveyor for Florida until the commissioners shall have decided and reported on the private claims in said Territory, be, and the same is hereby repealed; and the Eastern and Western land districts in said Territory shall be divided and separated by the Suwannee river, and not by the ancient line of division between the provinces of East and West Florida, as prescribed by the eighth section of the act aforesaid.



Florida.

## CORRESPONDENCE

RELATIVE TO

# SEMINARY & SCHOOL LANDS.

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EXECUTIVE OFFICE, FLORIDA, }  
Capitol, Tallahassee, Sept. 4, 1845. }

SIR:—The People of Florida having just organised their State Government, desire to have the 16th Sections, appropriated by Congress for the use of the inhabitants of each Township, applied as far as practicable to the objects of the donation. I refer you to the Acts of Congress, relating to these 16th Sections in Florida. Act of 3rd of March, 1823, section 10, referring to general land laws, and of 3rd March, 1845. Also, the Acts of May 20th, 1820, vol. 7, No. 491, and of June 15th, 1844, Chapter 55.

There are many fractional townships in which there are no 16th sections in this State—the case provided for by the Act of 1820. There are many cases where the 16th sections is included in whole or in part, in private claims confined to the claimants; the case provided for in the Act of 1844.

I wish to be informed how you have decided to select "*the other adjacent lands*," as allowed by the Act of 1844; by what agent—and when, and who will pay him, &c. I would respectfully ask, also, what mode of selection is to be pursued in the cases included in the Act of 1826. I have to-day enclosed you a copy of all the Acts of the State Legislature, at the last Session, by which I was directed to have those lands given in lieu of the 16th Sections covered by private grants, &c., located forthwith. I have deferred the selection of an Agent, till I hear from you.

It is highly important that the State Government, should be advised fully of the decisions and rules of the General Government on this subject—the action of the State Legislature, may harmonize with them, and I would earnestly solicit of you to render me full information necessary in this instance for me to act advisedly. There will be at least thirty sections to locate in Middle Florida, in lieu of those 16th Sections included in the private grants called the Forbe's Purchase claim; and the inhabitants of the Forbe's Purchase are anxious they should be located. There are also, many cases of private claims in East Florida, and I learn some in the West, making this subject one of no ordinary merit.

I would respectfully make similar suggestions in regard to the selection of an Agent to locate these lands, to those I have made

with respect to the seminary lands in another letter I addressed you to-day.

I am, very respectfully,

Your ob't servant,

W. D. MOSELEY,

Gov. of Florida.

HON. R. J. WALKER,

Secretary Treasury.

GENERAL LAND OFFICE,

September 16th, 1845. }

SIR:—Your communications of the 4th inst., to the Secretary of the Treasury, on the subject of Seminary and School Lands for the State of Florida—having been referred by the Secretary, to this office—I have the honor to acknowledge their receipt, and to inform you that they will receive immediate attention; and the copies desired, be prepared and transmitted at the earliest practicable period.

In the mean time, I would state, in reference to the “appointment and compensation of a Locating Agent,” that, with regard to the Seminary locations, under the Act 3rd March, 1823, Messrs. Baltgell, Anderson and Cooper, were informed on their appointment by Secretary Spencer, in March, 1844, “that no provision having been made by Congress for compensation, for the service above specified, none can, of course, be allowed by this Department,” and that the act of 3rd March, 1845, granting two additional Townships, for the same purpose, is also silent on this subject.

With regard to *School selections*, under the act of 20th May, 1826, I enclose you a copy of the Circular from this office, of 30th August, 1832, from which you will perceive, that “School Committees, Trustees, or other authority having official cognizance over the School lands,” are permitted “to recommend the selections,” and that in case of failure on their part to do so, the Registers and Receivers, are directed to make and report selections.

I am, sir, with great respect,

Your ob't serv't,

(Signed) JAMES SHIELDS.

Commissioner.

His Excellency, W. D. MOSELEY,

Governor of Florida,

Tallahassee.

*Circular to Registers & Receivers of the United States' Land Offices.*

GENERAL LAND OFFICE, }

30th August, 1832. }

GENTLEMEN:—The Act of Congress, passed on the 20th May, 1826, entitled, An Act to appropriate lands for the support of Schools in certain townships, and fractional townships, not before provided



for, "authorizes the Secretary of the Treasury, to make the intended selections on the following principles, viz :

For each township or fractional township, containing a greater quantity of land than *three quarters of an entire township of land*, (that is to say more than 17,280 acres,) *one section* is to be reserved.

For each fractional township, containing a greater quantity of land than *one half*, and not more than *three quarters of a township*, (that is to say, more than 11,520 acres, and less than 17,280 acres,) *three quarters of a section* are to be reserved.

For each fractional township containing a greater quantity of land than *one quarter*, and not more than *one half of a township*, (that is to say, more than 5,760 acres, and not more than 11,520 acres,) *a half section* is to be reserved.

For each fractional township containing a greater quantity of land than *one entire section*, and not more than *one quarter of a township*, (that is to say, more than 640 acres, and not more than 5,760 acres,) *one quarter section* is to be reserved.

In order to effect the intentions of this Act, a circular letter was addressed from this office on the 24th May, 1826, to the Registers and Receivers of the respective Land Districts, requiring them to make a report of such lands as they recommended to be reserved for the object, but as that circular was not accompanied by a prescribed form for reports, there have been a diversity of forms adopted by the different offices.

Herewith is transmitted a supply of printed forms, agreeably to which you are requested to make your reports.

As these forms are designed to secure uniformity in all the proceedings under the law, both past and future, you are requested first to report to this office all the selections under the law, which have hitherto been reported from your district, of the approval of which you have been advised by this office, and also those heretofore recommended, which have not yet been sanctioned.

You are therefore requested to embrace in one report, to be marked No. 1, all the selections recommended up to the date of such report, discriminating those selections, of the approval of which you have been notified by this office, by a reference to the letter advising you of their approval.

*The following general rules are prescribed for your government :*

First.—Where the lands have not been offered at public sale, the selections are to be made *prior to the sale*. The School Committees, Trustees, or other authority having official cognizance over the school lands, may be permitted to recommend the selections. To enable them to do so, it may be proper that you give public notice to those authorities, that on or prior to a certain day, which you will appoint, recommendations will be received from them of school selections for certain townships, which townships it will be necessary specially to designate in your notice. It is to be borne in mind, however, that no expense whatever will be incurred in the publication of

such notices. If the school authorities should fail to make any recommendations, you will report your own selections.

Second.—The quantity of school land selected for a township is to be located within the limits of such townships, provided a sufficient quantity of good land exists therein. If you are satisfied that a sufficient quantity of good land cannot be found therein, the selection is to be made in the nearest adjacent township wherein good land exists.

Third.—Where a portion of the section No. 16, exists in a township, the balance of the quantity to which the township is entitled, under the Act of 10th May, 1826, is to be selected.

Fourth.—The selections of a *section, three quarters of a section or half section*, for any one township, are to be made in one body of land, if practicable; if not, in separate quarter sections. A less quantity than one quarter section is not to be taken. Fractional sections are to be excluded, except in cases where a portion of the section No. 16, exists in the township, and a selection has to be made of the balance of the quantity of land to which such township is entitled, and where the quantity cannot be located on a quarter or half quarter section, in such cases only, may fractional sections or parts of fractional sections be taken, according to the legal subdivisions, to make up the deficiency in quantity, as nearly as practicable.

Fifth.—Fractional townships created by Indian reservations, are not to be understood as coming within the meaning of the act, as, when the township is completed, it will then have its proper school lands.

Sixth.—You will be careful to note, by a *pencil mark* in your tract book, and on the plot of the townships, the lands recommended to be reserved under the act, and *withhold them from sale*, until you are officially advised either of their approval or rejection.

When advised of the approval of such selections, you will note *in ink*, the fact of the reservation, making the object, thus:—In the tract book say, “Reserved for Schools under Act of 20th May, 1826, per letter of — from the Commissioner of the General Land Office.” On the plot say, “School Lands.” In case of the rejection of a proposed selection, you will not fail to obliterate the pencil marks on the tract book and plot.

Seventh.—You will not fail to retain a copy of the Report or Reports rendered to this office, in the printed forms, and when advised of the approval, you are required to note the fact thereon, and refer to the date of the letter communicating such advice.

I am respectfully,

Gentlemen,

Your ob't serv't,

(Signed,)

ELIJAH HAYWARD,

Commissioner.

To the Register and Receiver,  
the Land Office at

*Circular to Registers and Receivers of the U. S. Land Offices.*

GENERAL LAND OFFICE, }

May 17th, 1844. }

GENTLEMEN:—Should there exist in your land district any instances where the 16th Sections, usually set apart for school purposes, is interfered with in any township or fractional township, either wholly or partially, by private confirmed claims or donations, you are to regard such townships or fractional township, as entitled to a selection for the use of Schools, of other lands in the district under the provisions of the Act of Congress, approved May 20th, 1826, entitled, "An Act to appropriate lands for the support of schools in certain townships, and fractional townships not before provided for," the Secretary of the Treasury having recently rescinded the tenth paragraph of the instruction contained in the printed Circular of May 30th, 1832, in relation to School Lands under the Act aforesaid which is adverse to the decision now given.

The selections of School Land herein intended, are to be made under the rules prescribed in the Circular referred to.

Very respectfully,

Your ob't serv't,

(Signed,)

THO. H. BLAKE,

Commissioner.

*Extract of a Copy of a letter from the Hon. John C. Spencer, Secretary of the Treasury, dated "Treasury Department, March 30th, 1844," addressed to "Thomas Baltzell, Esq., Tallahassee, Walker Anderson, Esq., Pensacola, Jas. G. Cooper, Esq., Nassau Co. E. Florida," Agents of the Department to complete the selection of land, which the Secretary of the Treasury is authorised by the 11th Section of the Act of Congress, providing for the Survey and disposal of the public lands in Florida, approved 3d March, 1823, to locate and reserve from sale for the use of a Seminary of Learning in Florida.*

"In making the selections, it is of course to be understood that you are not to interfere with the rights of preemptors, or those who have made improvements, with a view of becoming purchasers of the land."

I certify that the foregoing is a true copy from the files of this office.

(Signed,) THO. J. HODSON, *Register.*

Tallahassee, Fla., March 10, 1845.

EXECUTIVE OFFICE FLORIDA, }

Tallahassee, Sept. 4, 1845. }

SIR:—I deem it my duty to ask your attention to the situation of the lands given to this State by the U. S., for an University or Seminaries of Learning.

I refer you to the Acts of Congress of 3d March, 1823, Vol. 7.

L. U. S., No. 148, Sec. 11, of Jan. 29th, 1827, Vol. 7. No. 533, Sec. 1, and of March 3d, 1845, chapter 75, Sec. 1.

The records and files of the proceedings of the Executive of the Territory of Florida, do not furnish me with certain, and definite information in relation to these lands; nor am I fully satisfied as to the certainty of that which I have been enabled to obtain from the offices of the Register and Receiver of the Land Office at this place.

Will you be good enough to have an examination made of the files and records of the Treasury Department, and of the Land Office, for the correspondence between the Governor of Florida Territory, and Mr. R. C. Allen, Agent for locating these lands in 1828, and Mr. Secretary Crawford, and Mr. Secretary Rush, and other former Secretaries of the Treasury, since their times; and likewise with the Commissioners of the Land Office, on the subject of these lands; and have me furnished with copies, or at last memor'd of the contents of such correspondence. This matter is of the highest importance to the State, and it is very desirable to know what locations have certainly been *made*, and what approved by the Treasury, and that patents issue forthwith to the State for such locations. Information as to what selections have been made, and not yet approved by the Treasury, are also wished. It is desired that the residue of these lands yet unlocated or approved, may be selected and located, and patented in the name of the State of Florida, for the uses designated in the Acts of Congress, as soon as possible. An Act of the State Legislature at its late Session, directed this to be done under my direction. Proposals for a locating agent were advertised, (note, act and copy of advertisement enclosed,) and various offers have been made. Since then, I have ascertained that as it respects these lands for Seminaries of Learning, the Secretary of the Treasury of the U. S., has the control of the location, and I have therefore deferred making any selection of an agent, till I hear from you. It is important to the State, that such location should be made forthwith.

Sales of the most valuable lands yet undisposed of and not covered by preemptions, are to take place 5th January, 1846; having been postponed by the President at the instance of the Legislature. I am informed that it is advisable that some portions of these lands should be located on the U. S., lands yet unsurveyed, or not fully surveyed, and I have to enquire if this can be done. I am advised that a portion of the lands formerly located and approved, it is regarded as expedient to have surrendered to the U. S., and other lands located in lieu thereof, and I should be glad to be informed if this can be done.

At first the Treasury decided that the two townships should be located in entire townships in a body, but subsequently this was changed, and the selection in separate sections as to one township allowed; but previously one township had been selected under the decision referred to. A portion of this is well nigh valueless, and would not have been selected but for the constraint of the erroneous rule alluded to as having been adopted.

It has been suggested that the allowance of the location of  $\frac{1}{4}$  or  $\frac{1}{2}$

sections in different parts of the State, would be more advantageous to the U. S., as well as to the State, than the present rule of requiring full sections. Can the Treasury Department allow this to be done?

Again the expense of locating these two entire townships yet unlocated, and the residue of the first two townships not entirely located, will be considerable. It should be borne, it appears to me, by the General Government. I would suggest that the Agent to be selected should be employed to do the service for a per centum allowance on the value of the lands, to be estimated here by a competent person, in order that he may be interested to get good lands. Five per centum would not be an unreasonable allowance. The lands should be *personally* examined. The lands here are very variable in quality and price, even in different parts of the same region. Whole townships are utterly worthless. The entire State is spotted with rich hammocks of small extent in the midst of barren pine deserts of thousands of acres. The Agent should be a citizen of this State—a competent surveyor—able to find and identify corners, and acquainted with the lands in the State. I would respectfully ask what mode of appointment will be pursued by you—how the person appointed will be compensated—and in what mode.

The lands appropriated to the establishment of a Seminary, have been placed in the charge of a Board of Trustees by our Legislature. Hon. T. Baltzell, and others, were the Board till the organization of the State Government, when he was elected a Judge of the Superior Court, and resigned the Trusteeship. I learn that J. C. Spencer had named him as Agent, and others, to select these lands, but he cannot now act under our State Constitution,—and besides would not, I presume, do the service required of him, as he is no woodsman or land surveyor. Nothing has been done under Mr. Spencer's appointment. Col. Benj. F. Whitner, of this place, Col. R. W. Williams, of this place, Britton Barkley, of Marianna, West Florida, David L. White of Quincy, Gadsden county, and John C. McGeehee of Madison, are the present Trustees. Col. Whitner, President of the Board of Trustees, will address you to-day on the subject of the documents he has been able to obtain referring to these lands, and your early answer to this either to him or me, will oblige me.

I am, sir, with great respect,

Your ob't servant,

(Signed,)

W. D. MOSELEY.

Governor of Fla.

To R. J. WALKER,

Sec'y Treasury, Washington, D. C.

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GENERAL LAND OFFICE, }  
September 23d, 1845. }

SIR:—I have the honor to acknowledge the receipt of your communication to the Secretary of the Treasury, of the 4th instant, in relation to the 500,000 acres of land, to which the State of Florida

is entitled, under the provisions of the 8th section, of the Act of Congress of the 4th September, 1841, which was referred to this Office on the 18th inst., and for your information and guidance, I herewith enclose copies of all the Circulars, which have been issued pursuant to said Act, together with an illustration explanatory of the *contiguity* required in making said selections, and have to remark that in a decision of this Office, submitted to Secretary of the Treasury, on the 6th September, 1843, upon a question of right, by the States of Missouri, Michigan and Arkansas, to select pre-emption lands, the Attorney General, and the Secretary of the Treasury, on the 2d of October, 1843, concurred in the opinion, that pre-emption lands cannot “be selected by the States, under” said act—“that the pre-emption right is an *inchoate legal title*, and therefore tracts claimed under it are excluded from the category of lands liable to selection under the Act of 4th September, 1841.”

This information is communicated to enable you to start right in the commencement of the contemplated selections, and that you may instruct your agents accordingly, and which if properly observed in the *beginning*, will save both the State and this office much trouble.

The instructions enclosed herewith, are dated 2d of May, 1842, 8th November, 1843, and 15th May, 1844, and which have this day been forwarded to the Register of the Land Office at St. Augustine, Newnansville and Tallahassee.

I have the honor to be,

Very respectfully,

Your ob't serv't,

(Signed,)

JAS. SHIELDS,

*Commissioner.*

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*Circular to Registers of the U. S., Land Offices.*

GENERAL LAND OFFICE, }

May 2, 1842. }

SIR:—Under the provisions of the 8th section of the Act approved on the 4th September, 1841, entitled, “An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights,” the State of Florida, is entitled to select the quantity of five hundred thousand acres of unappropriated public land granted to that State by the aforesaid Act, for purposes of Internal Improvement.

In order to effect the due execution of the Law, I have, with the approbation of the Secretary of the Treasury, to enjoin on you the rigid observance of the following instructions :

In making these selections, it is expected that the State authorities will observe the precaution of causing all the preliminary examinations to be made, by their duly authorised Agents, necessary to arrive at certainty as to the fact that none of the particular tracts of land selected by them are or can be claimed as pre-emption rights in virtue of the Acts aforesaid, or of any prior pre-emption law, otherwise such interference will *nullify* the selections.

In case the selecting agents should be remiss in making such in-

dispensable preliminary examinations, much subsequent embarrassment and delay must result in adjusting the claim of the State.

It is hoped, however, that the State authorities will make it a duty absolutely indispensable on the selecting Agents to visit *in person* every tract of land desired to be selected, and thereby ascertain, beyond doubt, whether or not a pre-emption claim can be alleged to the same, and regulate their proceedings accordingly.

From time to time, as the selecting Agents shall make reports to you of the lands selected, it will be your duty to note the same in a distinct and neat manner on the *tract books* and *maps*, in red ink; and also to make a record book, suitably arranged into columns, wherein you are to register all the list that may be filed in your office, and transmit a copy of each to this office, from time to time, as you receive them.

These lists are to be numbered in a regular series. So soon as a list of tracts so selected is received at your office, it will be your duty to examine the same, and compare it with your books, and with the "declaratory statements," filed under the act of 4th September, 1841, and in case of conflict arising with an alleged pre-emption claim, you will immediately advise the Governor of the State of the fact, and furnish similar advice to this office.

The law provides that the locations shall be made "in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States; which said locations may be made at any time after the lands of the United States in said States respectively, shall have been surveyed accordingly to existing laws."

Each of the selections made by the locating Agent, should indicate the day when actually made, so as to enable this office to determine between such selection and a pre-emption claim under Act of 4th September, 1841, which shall refer to the date of settlement.

Each parcel may be formed in any of the following modes:

The east, west, north, or south half of a section.

Two *contiguous* quarters of different sections.

Four *contiguous half quarters* of different sections.

The half quarters are to be those designated as *east* or *west* half quarters, as contemplated by the general law making provision for the sale of the public lands, passed on 24th April, 1820, admitting of the subdivision of quarter sections only by a line running *north* and *south*.

(The mode of subdivision into *quarters* of a section is not applicable to the Act of 4th September, 1841, inasmuch as it is warranted by the Act of 5th April, 1832, only in reference to the peculiar kind of cases referred to in the latter Act.)

A detached fractional section containing three hundred and twenty acres, or a greater quantity, can be located; but when a fractional section contains *less* than three hundred and twenty acres, it can only

be taken in *lieu* of that quantity, unless it be contiguous to some other body of selections, which, with such fractional section shall constitute not less than three hundred and twenty acres.

Any number of contiguous subdivisions of a fractional section, together constituting the quantity of three hundred and twenty acres, according to the Surveyor General's plat, may be selected.

An island containing three hundred and twenty acres, or upwards, may be taken; but if the island contains less than three hundred and twenty acres, it can only be taken in lieu of that quantity.

Annexed is a copy of a communication addressed to the Secretary of the Treasury on 2d December last, in reply to certain enquiries propounded by the Governor of Arkansas, relative to the construction of the 8th section of the Act of 4th September, 1841, and also a copy of the aforesaid section, and a copy of the Act approved 19th March, 1842, entitled, "An Act to authorise the Governors of the States of Illinois, Arkansas and Missouri, to cause to be selected the lands therein mentioned."

I am, very respectfully, your ob't serv't.,

(Signed.) E. M. HUNTINGTON, *Commissioner*.

The Register of the Land Office, at

GENERAL LAND OFFICE, }  
December 2, 1841. }

SIR:—I have examined the question raised in the letter of Governor Yell, of Arkansas, addressed to you, under date of 3d November, and referred to this office, in relation to the construction of the 9th (I presume he means the 8th,) section of the distribution Act, authorising the location of 500,000 acres of land, by the Legislatures of the respective States mentioned in the 1st section of the Act. As the grant to the States is not one *in presenti*, but dependent upon the subsequent action of the Legislatures of the respective States; and inasmuch, also, as the 10th section of the same Act, grants to certain persons therein named, the right to enter, not exceeding one hundred and sixty acres, the land settled upon and improved by them, I am of opinion that the States have no right to select any land, to which a valid pre-emption right exists under any of the existing laws of Congress, *at the time of such selection by the State*, nor to any land which, at the date the law *was*, or which, prior to such selection by the State, *may be* reserved by any subsequent law of Congress, or Proclamation by the President of the United States. Such selections also must of course be confined to lands which at the time of selection have been surveyed according to existing laws. The particular ground of doubt in the construction of the section referred to, is not disclosed in the letter of Governor Yell; but I presume what I have expressed will embrace the question intended to be raised.

I am, with great respect, your ob't serv't,

E. M. HUNTINGTON, *Commissioner*.

HON. W. FORWARD, Secretary of the Treasury.



SECTION 8, *And be it further enacted*, That there shall be granted to each State specified in the first section of this Act, five hundred thousand acres of land, for purposes of Internal Improvement : *Provided*, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres ; the selections in all of the said States to be made within their limits, respectively, in such manner as the Legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, or any public land except such as is or may be reserved from sale by any law of Congress, or Proclamation of the President of the United States ; which said locations may be made at any time after the lands of the United States in said States, respectively, shall have [been] surveyed according to existing laws. And there shall be, and hereby is, granted to each new State that shall hereafter be admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of Internal Improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

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*An Act to authorise the Governors of the States of Illinois, Arkansas and Missouri to cause to be selected the lands therein mentioned.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That so much of the eighth section of the Act entitled, "An Act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption," approved September four, one thousand-eight-hundred and forty-one, as provides that the selections of the grants of land made to the several States therein mentioned, for the purposes of Internal Improvement, shall be made, respectively, in such manner as the Legislatures thereof shall direct, is so far modified as to authorise the Governors of the States of Illinois, Arkansas, and Missouri, to cause the selections to be made for these States without the necessity of convening the Legislature thereof, for that purpose.

Approved, March 19, 1842.

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*Circular relative to State Selections under the Act of Congress approved 4th September, 1841.*

GENERAL LAND OFFICE, }  
November 8th, 1843. }

SIR :—By the 8th section of the Act approved 4th September, 1841, entitled, "An Act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights," selections are required to be made "in parcels conformably to sectional divisions

and subdivisions of not less than three hundred and twenty acres in any one location," (as heretofore advised in Circular 2d May, 1842,) which selections may be made either from *unoffered* land or *offered* lands.

In acting on lists of selections under this Act, it has been found necessary at different times to *reject* a number of locations because they did not form compact parcels of 320 acres each, as required by the law and instructions. Such rejections are of course *fatal* to the original selections, *but it was not designed* that the agents of the States should be *interdicted* from embracing such *rejected* tracts in any new selections which might be so made, as to bring the locations within the provisions of the Act aforesaid. You are therefore hereby directed.

1st. Whenever application is made by the State to take such rejected tracts *with other* available lands *which together* form compact parcels of 320 acres each, to admit such new selection, which must be treated as an entire new proceeding, and in no way affecting the original location, as the former stands *annulled*, not being in conformity to law.

2nd. New selections embracing such rejected tracts must of course be reported in a series of lists bearing numbers consecutive to those previously issued.

3rd. Where *offered* lands are embraced in rejected selections, and *not* re-selected, no entry of them should be allowed, except by pre-emption—until they shall have been advertised pursuant to the 9th section of Circular of the 1st January, 1836; *unoffered* lands of this class—*not* taken by pre-emption—must of course be reproclaimed and offered.

4th. You are required to prepare and keep a list with a column for remarks, of all tracts of *unoffered*, and also a similar list of *offered* lands, which may *have* been, or may *hereafter* be *rejected*, and if any of the rejected tracts should be *reselected*, note from time to time opposite each tract the date of the *reselection*, and the number of the list embracing it, and in the event of any of said *rejected* tracts, being entered by pre-emption, note the date of entry, with such other remarks as may be deemed important in the case—and

When the selections are completed, you will immediately furnish this office with copies of said lists, and thus afford information that will enable the Department to provide for the disposal of such of said lands as may not have been otherwise disposed of in the mean time.

I am, very respectfully,

Your ob't serv't,

(Signed,)

THOS. H. BLAKE.

Commissioner.

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Circular to Registers.

GENERAL LAND OFFICE, }

May 15th, 1844. }

SIR:—Under the 8th section of the Act of Congress 4th Sept.

1841, entitled "An Act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights," numerous selections made by the States have been found to conflict with declaratory statements under said act.

As the *date of settlement* is to govern the decision in all cases of conflict, you are hereby instructed to furnish this office, immediately, with the *date of settlement* of all the declaratory statements already reported to this office, which embrace lands selected by the States; and in future to furnish the *date of each settlement*, and in a *separate column* on said abstracts, in order that this office may hereafter be enabled to settle all cases of conflict between such settlements and State selections.

Very respectfully,  
Your ob't serv't,  
(Signed,) THOS. H. BLAKE,  
*Commissioner.*

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GENERAL LAND OFFICE, }  
October 10th, 1845. }

SIR:—In compliance with your request made in your letter of the 4th ult., I have the honor to transmit, herewith, a transcript (prepared with much care), from the files and records of this office, showing the action heretofore had on the subject of Seminary lands in Florida.

You will perceive from notes here and there made, in appropriate places, that copies of some of the letters referred to, cannot be furnished, in consequence of the destruction by fire, some years since, of the records and files of the Treasury Department.

In reference to that portion of your letter in which you state, that "at first the Treasury decided that the two Townships should be located in entire townships in a body; but subsequently this was changed, and the selection in separate sections, as to one township, allowed," &c., &c. I would call your attention to the letters on pages 2, 3 and 4, of the enclosed transcript, from Gov. Duval to Secretary Rush, bearing date 9th June, 1826, and from Commissioner Graham to Gov. Duval of 17th July, 1826. You will perceive, therefore, the reason for the course then pursued, and which was not departed from, until Congress, by the passage of the Act of 29th January, 1827, authorised the selections to be made "in sections."

The location of  $\frac{1}{4}$  or  $\frac{1}{2}$  sections, as desired by you, cannot be allowed; and the selections must be of *surveyed* lands.

No other locations can now be made "in lieu of a portion of the land which has been located and approved."

In conclusion, I am directed by the Secretary of the Treasury to request you to name some person or persons to him whose appointment, to make these selections, would be in your opinion advisable. No provision having been made by Congress for the compensation of such Agents, none can be allowed at the Treasury. Of this fact you were advised in my communication of the 16th ult.

When the appointment shall have been made, instructions will be immediately issued to the agent or agents, as to the mode of selection, &c.

With great respect,  
Your obt<sup>t</sup> serv<sup>t</sup>,

JAS. SHIELDS.

*Commissioner.*

His Excellency, W. D. MOSELEY,  
Governor of Florida, Tallahassee.

*Act of 3d March, 1823.*

The 11th section of the act of Congress, approved 3d March, 1823, entitled "An act amending and supplementary to the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," directs :

"That an entire township, in each of the districts of East and West Florida, shall be reserved from sale, for the use of a Seminary of Learning, to be located by the Secretary of the Treasury."

*Act of 29th January, 1827.*

The 1st and 2d sections of the act of Congress, approved 29th January, 1827, entitled "An act to provide for the location of the two townships of land, reserved for a Seminary of Learning, in the Territory of Florida, and to complete the location of the grant to the Deaf and Dumb Asylum of Kentucky," directs :

"That the township of land reserved in the District of East Florida, by an act of Congress, approved the third day of March, one thousand eight hundred and twenty three, for a Seminary of Learning, shall be located east of the Apalachicola river, and may be located in sections, corresponding with any of the legal divisions into which the public lands are authorized to be surveyed, so as not to interfere with private land claims, or the rights of pre-emption ; and the township located west of the Apalachicola river, as directed in the aforesaid act, so far as covered by the claims of those entitled to the right of pre-emption, by the act approved the twenty-second of April, one thousand eight hundred and twenty-six, shall be located in sections, upon any unappropriated lands in said district of country, until the amount taken by said interferences, shall be satisfied and discharged.

"That the Governor and Legislative Council of said Territory, shall have power to take possession of the lands granted for the use of the schools, and for a Seminary of Learning, and lease the same from year to year ; and the money arising from the rent of said lands, shall be appropriated to the use of schools, and the erection of a Seminary of Learning, in such manner as they may direct ; and they shall have power to pass laws for the preservation of said lands from intrusion and trespass, until Florida shall be admitted into the Union as a State."

*Act of 3d March, 1845.*

By the first section of the act of Congress, approved 3d March, 1845, entitled, "An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes," two entire townships of land, in addition to the two townships already reserved, for the use of two Seminaries of Learning—one to be located East and the other West of the Suwannee river, are granted to the said State of Florida.

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TALLAHASSEE, May 17th, 1826.

HON. RICHARD RUSH,

Secretary of the Treasury.

Sir:—I have the honor to inform you, that I have selected township Fifth North, of the Eleventh Range West, for the use of a Seminary of Learning for this Territory.

The Register and Receiver of the Land Office at this place, have been duly notified of the selection. The other townships will be selected as early as practicable.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

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TALLAHASSEE, May 21st, 1826.

HON. RICHARD RUSH,

Secretary of the Treasury.

Sir:—Having within a day or two past, understood that the township mentioned in my letter to you of the 17th instant, was not clearly identified, I take the liberty of explaining to you, that the township selected by me, for the use of a Seminary of Learning for this Territory, is the Fifth Township in the Eleventh Range North and West.

I am, your obedient servant,

WM. P. DUVAL.

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EXECUTIVE OFFICE, }  
May 21st, 1826. }

TO THE REGISTER AND RECEIVER

of the Land Office, at Tallahassee.

GENTLEMEN:—Having understood that the township which I have selected for the use of a Seminary for the Territory of Florida, as described in my letter to you of the 16th instant, did not clearly identify the land intended to be reserved, I now explain to you, that it is the Fifth Township in the Eleventh Range, North and West.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

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[It is ascertained, on inquiry at the Treasury Department, that the record of the letter of Secretary Rush, to Governor Duval, of

the 17th May, 1826, referred to below, was destroyed at the burning of the Treasury building, some years since, a copy cannot, therefore, be furnished. May not the original be on file in the Executive Office, at Tallahassee?]

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TALLAHASSEE, June 9th, 1826.

HON. RICHARD RUSH,

Secretary of the Treasury.

Sir:—I have the honor to acknowledge your letter of the 17th ultimo, and regret that you deem the law on the subject of the reservation of the two townships in this Territory, for the use of a Seminary of Learning, as imperative, and strictly confining you to the selection of "entire townships." I have seen one law only, on the subject of a similar donation to Alabama, which is as follows: "And there shall be reserved from sale, in the Alabama Territory, one entire township, which shall be located by the Secretary of the Treasury, for the support of a Seminary of Learning, within the said Territory," &c. The enactment for Florida, for the same object, is: "That an entire township, in each District of East and West Florida, shall be reserved from sale, for the use of a Seminary of Learning, to be located by the Secretary of the Treasury." There must be some other act on this subject, passed for the benefit of Alabama, that I have not seen, as the construction would otherwise be the same on both laws. If the location (as the law requires,) is made of a township East of the Suwannee river, it will be worth very little; for the private claims, and the actual settlers entitled to pre-emptions, cover almost all the good land in East Florida.

Under the restrictions imposed, it is believed that the reservations will not be worth having, unless Congress shall interpose in behalf of the Territory, before the land sales.

It would be doing great injustice to the Territory, was I to attempt, at this time, any further selections. I deem it, therefore, my duty to decline any further agency in this business.

I am, respectfully,

Your obedient servant,

WM. P. DUVAL.

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GENERAL LAND OFFICE, }  
July 17th, 1826. }

HIS EXCELLENCY WM. P. DUVAL,

Tallahassee, Florida.

Sir:—Your letter of the 9th June has been referred, by the Secretary of the Treasury, to this office. On reference to the act passed the 2d day of March, 1819, to enable the people of Alabama to form a constitution, you will perceive that the original provisions of the original act, relative to the selection of lands for the use of a Seminary of Learning in Alabama, were changed, and the discretionary powers of the Secretary of the Treasury enlarged. In all cases where portions less than entire townships have been selected

by the Secretary of the Treasury, for the use of the Seminary of Learning, in any State or Territory, it has been done under an act granting authority to the Secretary of the Treasury, to select in specific quantities, of less than one entire township; and I have no doubt that an application from the Governor and Council of Florida, Congress would grant to the Territory of Florida that privilege, as to the selection, which has been specifically granted to several of the States.

With great respect, &c.,

G. GRAHAM.

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EXECUTIVE OFFICE, }  
Tallahassee, March 12, 1827. }

HON. RICHARD RUSH,

Secretary of the Treasury.

Sir:—I have the honor to acknowledge the receipt of your letter of the 7th ultimo, with the act of Congress, to provide for the location of the two townships of land reserved for the Seminary of Learning, in the Territory of Florida, &c.

The contents of your letter on this subject, has claimed my immediate attention, and my report shall be made in conformity with your instructions.

I regret that my report of the Township selected by me under the authority of your letter of the 27th of January, 1826, has been lost from the mail, on the way to Washington. I now enclose to you the copy of the communications which I made on the 17th and 21st of May, 1826.

I am, with high respect,

Your obedient servant,

WM. P. DUVAL.

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[“It is ascertained, on enquiry at the Treasury Department, that the record of the letters from Secretary Rush to Gov. Duval, of the 27th January, 1826, and 7th February, 1827, referred to above, were destroyed at the burning of the Treasury buildings, some years since; copies, therefore, cannot be furnished. Are not the originals on file in the Executive office at Tallahassee?”]

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[*The selection of T. 5. N. R. 11, W., approved by the Secretary of the Treasury on the 7th of April, 1827.*]

*Extract from letter of Commissioner of the General Land Office to the Register and Receiver at Tallahassee, dated the 9th April, 1827.*

“I am also requested by the Secretary to inform you that he has approved of the location of Township 5, Range 11, North and West, as made by Governor Duval, for the use of a Seminary, and to request that you will make the necessary entries in your books, and re-

serve the lands from sale except so far as they may be claimed by pre-emption rights."

[The letter from Governor Duval of the 14th of May, 1827, to which the following was a reply, was returned to the Treasury Department, from the General Land Office, on the 1st of February, 1830, and was doubtless destroyed at the burning of the Treasury building. It is perceived, however, from Mr. Whitner's letter to the Secretary of the Treasury, of the 4th September, 1845, that he (Mr. W.) has a copy of it.]

GENERAL LAND OFFICE, }  
June 9th, 1827. }

Sir : Your letter of the 14th of May, addressed to the Secretary of the Treasury, relative to the selections made of lands for a Seminary of Learning in Florida, under the provisions of the act of the 29th of January, 1827, is referred to me, with directions to inform you that the following selections of land made by you, east of the Apalachicola, are approved, to-wit : Sections 5, 7, 15, 17, 18, 22, 23 and 24, and the three quarters of Section 8, 3 N. 3 W., the other quarter of section 8, having been sold. [N. E. qr. of Sec. 8, sold.]

Sections 17, 29 and 30, in T. 2, N., R. 4, W., these being full sections, agreeably to the intent and meaning of the law, which, as it respects the selections for this township, requires that the tracts should be selected in sections corresponding with any of the legal subdivisions, and therefore the residue of the lands to complete the township east of the Apalachicola, may be selected in entire legal sections, or in sections of a square form, composed of two contiguous half sections, or of four quarter sections.

The following sections in lieu of the lands covered by private claims in the township west of Apalachicola, to-wit : Sec. 14, the whole of 23 and 24, in T. 4, N. of R. 7, W ; Sec. 18, in T. 3, N. R. 9, W., and Sections 6 and 14, in T. 5, N. R. 10, W., are approved ; and the selections of fractional sections 3, 10 and 13, in T. 4, N. R. 7, W., and fractional section 33, 5 N. 7 W., will be approved, provided you deem it advisable to take them as whole sections. The law requires that the selections to be made, in lieu of the lands covered by private claims should be made "in sections," which the Secretary of the Treasury requests me to state to you, limits the selections to entire sections, unless you should recommend that a fractional section be taken in lieu of such entire sections.

With great respect,

Your obedient servant,

GEORGE GRAHAM,

*Commissioner.*

His Excellency W. P. DUVAL,

*Governor of Florida.*

P. S. The fractional Section 13, 4 N., R. 7 W., being part of a large and compact selection, will, I presume, on reconsideration of the Secretary, be calculated agreeably to the actual quantity of land contained in it, and not as a full section.



GENERAL LAND OFFICE, }  
June 12, 1827. }

GENTLEMEN: I enclose a copy of a letter addressed to his Excellency Gov. Duval, and have to request that you will cause the reservation authorized in that letter to be entered on your book as land reserved for a Seminary of Learning, and advise this office of the fact.

I am, &c.

GEO. GRAHAM.

REGISTER AND RECEIVER,  
*Tallahassee, Florida.*

GENERAL LAND OFFICE, }  
1st February, 1830. }

SIR:—I now return you the note of Mr. White, covering a resolution of the Legislative Council of Florida, which was referred by you to this office, a reply to which has been accidentally delayed.

The instructions to Gov. Duval, to select the lands appropriated for Colleges in Florida, were given from the Treasury.

His letter, designating the lands selected, was referred to this office, and answered. [See Commissioner's letter to Gov. Duval, 9th June, 1827, a copy of which is furnished, page 18.] I presume the instructions were entirely silent as to the allowance of any compensation for making the selections, the law being silent on the subject. In authorizing the Governors of the States and Territories to make these selections, the Secretary of the Treasury no doubt has been governed by the consideration that the difference in the value of the lands selected at the discretion of the Governor, and of that which would be selected by himself, or any other United States officer, merely from an inspection of the Surveyor's returns, would more than compensate for any expense which the States and Territories would incur in procuring the selections to be made by actual inspection of the lands.

I know of no instance in which the expenses incident to selections made by the Governors of States and Territories have been allowed at the Treasury, or of any law under which such an allowance could be made. A distinction might in these instances be made in respect to and in favor of Territories; but, if so, a special appropriation should be obtained.

The papers are herewith returned.

I am, &c.

GEO. GRAHAM.

HON. S. D. INGHAM,  
*Secretary of the Treasury.*

TALLAHASSEE, June 21, 1843.

SIR:—The Legislature of Florida at their last session passed a law on the subject of the grant made by Congress, of two townships of land for a Seminary of Learning, with a view to the application of the fund to the purposes designed by the Government.

On enquiry at the Land Office here, we find no designation of the land, although it was undoubtedly made, and probably may be found amongst the papers of your Department.

The late Judge Allen was selected for that purpose, and no doubt discharged the duties confided to him with fidelity. The action of the Legislature on this very important subject, was imperfect, and my purpose is to bring it again before the Senate, of which I am a member, with all the lights to be obtained in the mean time. Will you, then, sir, do me the favor to forward to me, or to the Land Office here, copies of all the information on the subject in your office, with maps, &c., at as early a period as practicable?

Very respectfully,

Your obedient servant,

THOMAS BALTZELL.

COMMISSIONER GENERAL LAND OFFICE.

P. S. I perceive that the location of this land was directed to be made by the Secretary of the Treasury. 7 vol. acts Congress, 3rd March, 1823.

GENERAL LAND OFFICE, }  
July 17th, 1843. }

Sir :—Your letter of the 21st ult., has been received. The selections for a Seminary of Learning in Florida, were made, it is understood, by or under the authority of Gov. Duval, who was authorised to do so by instructions issued direct from the Treasury Department. It appears from the records of this Office, that on the 9th April, 1827, the Register and Receiver at Tallahassee, were advised that the Secretary of the Treasury had approved of the selection of Township 5, R. 11, N. and W. for the use of the Seminary, and were requested to withhold the land from sale, except so far as they may be claimed by pre-emption rights.

On the 9th June, 1827, Gov. Duval was advised that the selection of the "following sections in lieu of lands covered by private claims," in the above Township, were approved, viz :

Sections 14, 23 and 24, in Township 4, of R. 7, N. and W.

Section 18, " " 3, " " 9, " "

Sections 6 and 14, " " 5, " " 10, " "

Also, that the selection of the following fractional sections, for the same purpose, would be approved, provided he would agree to receive them as *whole* sections, viz :

Fractional Section 3, 10 and 13, in T. 4, of Range 7, N. and W.

Fractional Section 33, " " 5, " " " " "

The Governor was at the same time advised that the following selections made by him, "east of the Apalachicola," had also been approved, viz : Sections 5, 7, 15, 17, 18, 22, 23 and 24 ; and "the 3 quarters of Section 8," in Township 3 North, of Range 3, West, "the other quarter of Section 8 having been sold."

The Register and Receiver at Tallahassee, were further advised,

on the 4th September, 1828, that the selections of sections 17 and 30, and fractional section 29, in township 2, north of range 1, West, had also been approved as Seminary Lands.

I do not find any evidence in this office that Gov. Duval, or his successors, have even signified their willingness to receive the *fractional* sections named in the letter of the 9th June, 1827, as *whole* sections.

The quarter of section 8, T. 3, R. 3, N. and W., stated to have been sold, appears to be the N. E. 1-4, which leaves as the lands approved, the South 1-2 and North W. 1-4, in that section.

The foregoing is believed to embrace all the action had, by this office, respecting the location of the two Townships of land granted to Florida for a Seminary of learning.

I enclose herewith, in compliance with your request, copies of the Township plats, in which these locations have been made.

On the plat of T. 5, R. 11, W., the several tracts entered by pre-emptors in 1826 and 1827, are shaded *blue*.

On the plats of T. 4, N. R. 7, W. 3, N. 9, W. 5, N. 10, W. 3, N. 3, W., and T. 2, N. R. 4, W., the selections approved by the Secretary of the Treasury, are shaded *yellow*.

On the plats of T. 4, N. R. 7, W., and T. 5, N. R. 7, W., the tracts shaded *green*, represent the selection of fractional sections, which would be approved, provided they were accepted as *full* sections.

The N. E. 1-4 of section 8, T. 3, N. of R. 3, W., is shaded *blue*, as having been sold.

Of the selections approved by the Secretary of the Treasury, it appears that the W. 1-2 of the S. E. 1-4, of section 6, T. 5, R. 10, N. and W., has been inadvertantly sold and patented, and that of the fractional sections which the Governor was advised would be approved, provided they would be received as whole sections, the lots 1, 2 and 5, in 33, T. 5, N. of R. 7, W., have likewise been sold and patented.

Very respectfully, your ob't. serv't.

THO'S. H. BLAKE, *Commissioner*.

THOMAS BALTZELL, Esq., Tallahassee, Florida.

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*Extract from letter of the Commissioner General Land Office, to the Register at Tallahassee, Florida—dated, 19th July, 1843.*

“Herewith is enclosed, for your information, a copy of a letter from this office, dated, 17th inst., to Tho's. Baltzell, Esq., respecting selections of land for a Seminary of learning in Florida, made, it is understood, by or under the authority of Gov. Duval, pursuant to instructions issued direct from the Treasury Department.”

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WASHINGTON, H. R., February 21st, 1844.

Sir:—It appears that only one Township of the Seminary Lands granted to Florida, has yet been located. It is deemed highly im-

portant by the Legislature of Florida, and by those best informed upon the subject, that the location of the remaining township should be made, without delay, inasmuch as the valuable lands may all be entered, if longer delay occurs, before the selections can be made.

I do not know what is the practice in such cases, but I would respectfully recommend the employment of Maj. Jas. G. Cooper, to select and locate the remaining township.

I have the honor to be, very respectfully, your ob't. serv't.,

D. LEVY.

Hon. T. H. BLAKE, Commissioner G. L. Office.

GENERAL LAND OFFICE, Feb. 27th, 1844.

Sir:—I have the honor to submit, herewith, for your inspection and such action thereon as you may deem the subject requires, a letter of the 21st inst., from the Hon. D. Levy, in which he represents that only one of the two townships granted to Florida for a Seminary of Learning has been selected, and that it is deemed important that the other lands should be selected without delay, and recommends the employment of Maj. Jas. G. Cooper for that purpose.

By reference to the 11th sect. of the Act of 3d March, 1823, providing for the survey and disposal of the public lands in Florida, and the 1st sect. of the Act of 29th Jany. 1827, "to provide for the location of the two townships of land," &c., it will be seen that the Secretary of the Treasury was authorized to locate and set apart one township of land East of the Apalachicola river, and another West of that river, for the use of a Seminary of Learning in that Territory.

The Secretary appears to have appointed Governor Duval to make the selections, and so far as known to this office, the following is the result:

For the township East of the river, there have been selected and approved by the Department 11 3-4 sections.

One eighth of a section selected for the township East of the river, has been sold and inadvertently patented, which reduces the quantity selected and approved to 11 5-8 sections, and leaves 24 3-8 sections to be selected for that township.

The entire township 5, R. 11, N. & W. was designated as the selected township West of the river, but after satisfying the claims of pre-emptors, there remained a quantity equal to only 25 5-8 sections. In lieu of the tracts covered by these claims, there have been selected in other townships, six sections, leaving to be selected 4 3-8 sections, irrespective of the fractional sections referred to in my letter to Thomas Baltzell, Esq., of the 17th July last, a copy of which I enclose, as having a bearing on the subject.

With great respect, your ob't serv't,

THO. H. BLAKE, Commissioner.

Hon. J. C. SPENCER, Sec'y of the Treasury.

TREASURY DEPARTMENT, Feb. 28th, 1844.

Sir :—Your communication of the 27th inst., and the accompanying letter, addressed to you by the Hon. David Levy, relative to the appointment of an agent, to locate the residue of the two townships of land granted to Florida for a Seminary of Learning, have been received.

I see no objection to the appointment of an agent to make the locations, but I think the Governor or Secretary of the Territory should be appointed to that service.

I will thank you to prepare and submit to me, such instructions as you may deem it advisable should be transmitted to the person who may be appointed agent.

Your communication of the 27th inst., and the accompanying papers, are herewith returned.

Very respectfully,  
J. C. SPENCER, Sec. of the Treas'ry.  
THO. H. BLAKE, Esq., Comm'r. Genl. Land Office.

GENERAL LAND OFFICE, March 6, 1844.

Sir—In compliance with the request contained in your letter of the 28th ult., I have the honor to enclose herewith a proposed letter of instructions, which I consider it would be proper to give the agent you may appoint to complete the selection of the Seminary Lands granted to the Territory of Florida.

With great respect, your obedient servant,

THOS. H. BLAKE, Commissioner.

Hon. J. C. SPENCER, Secretary of the Treasury.

TREASURY DEPARTMENT, March 30th, 1844.

Sir :—I enclose a copy of a letter of appointment and instructions, this day transmitted to the agents authorized to complete the selections of the land granted by law, for the use of a Seminary of Learning in Florida, and to report the same to this Department for its definite action, in order that you may give the proper instructions to the local Land Officers on the subject.

Very respectfully,

J. C. SPENCER, Secretary of the Treasury.

THOS. H. BLAKE, Esq., Commissioner General Land Office.

*[Copy of the letter referred to in the foregoing communication from the Secretary of the Treasury.]*

TREASURY DEPARTMENT, March 30th, 1844.

Gentlemen :—You are hereby appointed the Joint Agents of this Department, to complete the selections of the Land which the Secretary of the Treasury is authorized, by the 11th section of the act of Congress, providing for the Survey and disposal of the Public Lands in Florida, approved 3d March, 1823, to locate and reserve from sale, for the use of a Seminary of Learning in Florida.

The 1st section of the act of 29th January, 1827, providing for the location of two Townships, for a Seminary of Learning, directs

that one of them shall be located East of the Apalachicola river, and the other West of that river. As a portion of the Township East of the River, there has been selected, with the approval of the Department, a quantity of land equal to  $11\frac{3}{4}$  sections, and as a portion of the Township West of the river, there has been selected in like manner, a quantity equal to  $31\frac{1}{2}$  sections—thus leaving a quantity equal to  $24\frac{1}{4}$  sections to be selected by you on the East side of the Apalachicola river, and a quantity equal to  $4\frac{1}{2}$  sections, also to be selected by you on the West side of the river.

In accordance with the provisions of the act last mentioned, the selections are to be made in tracts of not less than *an entire section*, corresponding with any of the legal divisions into which the Public Lands are authorized to be surveyed.

In locating such sections in bodies of Land, other than those of technical sections, two-half sections, or four quarter sections, laterally contiguous, and forming a square tract, similar to a technical section of a mile square, may be taken. When it may be deemed expedient to select a fractional section, such fractional section must be taken in lieu of an entire section.

As some of the lands selected by your predecessors, were found to conflict with the valid claims of pre-emptors, it became requisite to strike from the selections to the extent of these conflicts, and hence it is, that *residuary* tracts, less than entire sections, have necessarily been approved; and also, as a further consequence of these conflicts, one tract of a half section, and another one of a quarter section, yet remain to be selected.

Two quarter sections, laterally contiguous, must be taken for the half section. Should it be desirable to select one or more fractional quarter sections, as a portion of this half section and quarter section, such fractional quarter section must be taken in lieu of an *entire* quarter. I enclose herewith, for your information and government, a list prepared in the General Land Office, of the several tracts which have heretofore been selected, with the approval of the Department, for the institution in question.

You are requested, when the selections are completed, to forward a list of the same to this Department, for its definitive action.

I have to apprise you, in conclusion, that no provision having been made by Congress, for compensation of the service above specified, none can, of course, be allowed by this Department.

In making the selection, it is, of course, to be understood, that you are not to interfere with the rights of pre-emptors, or those who have made improvements with a view of becoming purchasers of the land.

Each selection made under these instructions, must receive the assent and concurrence of at least two of your number.

Very respectfully, your obedient servant,

J. C. SPENCER, Secretary of the Treasury.

To Thomas Baltzell, Esq., Tallahassee, Walker Anderson, Esq., Pensacola, Jas. G. Cooper, Esq., Nassau Co., E. Fla.

## LIST OF SEMINARY LANDS IN FLORIDA.

*West of River.*

T. 5, R. 11, N. and W.—Entire section 1; E.  $\frac{1}{2}$ , and S. W.  $\frac{1}{4}$  of sec. 2; S. E.  $\frac{1}{4}$  sec. 5; N.  $\frac{1}{2}$  sec. 4; W.  $\frac{1}{2}$ , and W.  $\frac{1}{2}$  of N. E.  $\frac{1}{4}$ , and S. E.  $\frac{1}{4}$ , sec. 6; entire section 7; S. W.  $\frac{1}{4}$ , W.  $\frac{1}{2}$  S. E.  $\frac{1}{4}$ , and E.  $\frac{1}{2}$  N. E.  $\frac{1}{4}$ , sec. 8; E.  $\frac{1}{2}$  S. W.  $\frac{1}{4}$ , sec. 9; N. W.  $\frac{1}{4}$  section 10; S. E.  $\frac{1}{4}$ , and N. W.  $\frac{1}{4}$ , sec. 12; E.  $\frac{1}{2}$  of N. W.  $\frac{1}{4}$  sec. 14; E.  $\frac{1}{2}$  sec. 15; W.  $\frac{1}{2}$  S. E.  $\frac{1}{4}$ , and W.  $\frac{1}{2}$  N. E.  $\frac{1}{4}$  sec. 21; S. W.  $\frac{1}{4}$  sec. 22; S.  $\frac{1}{2}$  sec. 23; S.  $\frac{1}{2}$  and N. W.  $\frac{1}{4}$  sec. 24; entire sections 16, 17, 18, 19 and 20, and entire sections 25 to 36, inclusive.

T. 4, R. 7, N. and W.—Sections 14, 25 and 34.

T. 3, R. 9, N. and W.—Section 18.

T. 5, R. 10, N. and W.—N.  $\frac{1}{2}$ , S. W.  $\frac{1}{4}$ , and E.  $\frac{1}{2}$  S. E.  $\frac{1}{4}$  of section 6, and entire section 14.

*East of River.*

T. 3, N. R. 5, W.—Sections 5, 7, 15, 17, 18, 22, 23 and 24, and S.  $\frac{1}{2}$ , and N. W.  $\frac{1}{4}$  of sec. 8.

T. 2, N. R. 4, W.—Sections 17 and 30, and frac. section 29.

*Note.*—On the 9th of June, 1827, Gov. Duval was advised that the selection of the following *fractional* sections, (as a part of the Township West of the river,) would be approved, provided they be taken as *entire* sections, viz :

Fractional sections 5, 10 and 13, in T. 4, N. R. 7 W., and fractional section 33, in T. 5, N. R. 7 W.

These fractional sections, or such of them as may remain unsold, can, if desirable, be now selected by the agents, on the condition above mentioned.

Subsequent to the above date, the lots 1, 2 and 5, in fractional section 33, T. 5, R. 7, N. and W., have been sold.

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MARIANNA, Florida, May 27th, 1844.

Sir—The undersigned, appointed by the Hon. Secretary of the Treasury, to locate such portions of the Seminary Lands as may remain to be located under the act of Congress, have selected in the Land District East of the Apalachicola river, the following tracts, and have reported the same to the Receiver of the Land Office at Tallahassee :

The West half of section 13,	} in T. 1, S. R. 5, E.
The East “ “ “ 14,	
The South “ “ “ 51,	

Also, the North half of section 6, in T. 2, S. R. 5, E.

All in the District of Lands offered for sale at Tallahassee.

We have the honor to be, Sir, your ob't servants,

THOMAS BALTZELL,  
WALKER ANDERSON.

To the Hon. Secretary of the Treasury, Washington.

QUINCY, Florida, May 10th, 1844.

*To the Register of the Land Office at Washington City:*

Sir:—As the Agent of the “Deaf and Dumb Asylum of Kentucky,” I am desirous of ascertaining whether the following described section of Land has ever been located for the use of the said Asylum, to wit: “The West half of section *thirteen*, and the East half of section *fourteen*, both in township one *South*, of Range five East, in the Tallahassee, Florida, District of Lands.” I cannot rely with certainty upon the entries in the books of the office at Tallahassee, and would therefore desire to obtain the information from the office at Washington.

This section of Land is reported to belong to the Asylum, but I have received no “Patent” for it. If it should appear that it has not been located for the Asylum, you would confer a favor by informing me in whose name it has been entered. I am, &c.

C. H. DU PONT, Agent of D. and D. A. Ky.

GENERAL LAND OFFICE, June 1st, 1844.

Sir:—I have to state, in reply to your letter of the 10th ult., that it does not appear from the books of this Office, that the West half of sect. 13, and the East half of sect. 14, in Township 1 South, of Range 5 East, have been patented to the Deaf and Dumb Asylum of Kentucky, or entered by any individual.

The Register of Tallahassee has been written to on the subject, and should it appear from his reply that our books are in error, you will be hereafter advised.

Very respectfully, your obedient servant,

THOS. H. BLAKE, Commissioner.

C. H. DU PONT, Esq.,

Agent for the Kentucky D. and D. Asylum, Quincy.

GENERAL LAND OFFICE, June 1st, 1844.

Sir:—Be pleased to report to this Office, at your earliest convenience, whether there is any evidence with you, to show that the W. half of sec. 13, and the E. half of sec. 14, in Township 1 South, of Range 5 East, have ever been selected for the Deaf and Dumb Asylum of Kentucky, or located or disposed of in any other manner.

Very respectfully, your obedient servant,

THOS. H. BLAKE, Commissioner.

Register of Land Office, Tallahassee.

REGISTER'S OFFICE, Tallahassee, June 8th, 1844.

Sir—Herewith I transmit you a copy of a communication received from Messrs. Thomas Baltzell and Walker Anderson, appointed to complete the selections of the Land granted by law for the use of a Seminary of Learning in Florida.

Very respectfully, your obedient servant,

R. J. HACKLEY, Register.

THOS. J. BLAKE, Esq., Commissioner General Land Office.



[COPY.]

May 27th, 1844.

Sir:—The undersigned, selected and appointed by the Hon. Secretary of the Treasury of the United States, to locate such portions of the Seminary Lands as remain to be located under the act of Congress, have selected in the Land District East of the Apalachicola river the following tracts:

The West half of section thirteen, the East half of section fourteen, and the South half of section thirty-one, in Township one South, of Range five East. Also, the North half of section six, in Township two South, of Range five East.

All in the District of Lands offered for sale at Tallahassee.

Respectfully,

THOMAS BALTZELL,  
WALKER ANDERSON.

To the Receiver of the Land Office at Tallahassee.

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REGISTER'S OFFICE, Tallahassee, June 21st, 1844.

Sir:—In reply to your favor of the 1st instant, I have the honor to inform you, that there is no evidence in this office of the West half of section thirteen, and the East half of section fourteen, in Township one South, of Range five East, having been selected for the Deaf and Dumb Asylum of Kentucky.

On the first of said Township, the word "University" is written across these half sections, and apparently afterwards crossed, which I have regarded as having been selected for a Seminary of Learning in Florida, and subsequently abandoned. The word "University" has sometimes been used, and at other times the letter "U," to indicate in the plats of this Office, the situation of lands for said Seminary. The Tract Book affords no evidence of any selection or disposition of said lands.

You will find, by reference to my communication to you of 8th instant, enclosing a copy of a notice from T. Baltzell and W. Anderson, Esqrs., (together with others which appear on the plats of this office in precisely the same condition,) have been recently selected by them for a Seminary of Learning in Florida.

There are fractional sections similarly checked on the plats of this Office, which appear to have been selected by W. P. Duval, Esq., while Governor of Florida, and not accepted by him, as the Hon. Secretary of the Treasury of the United States could only approve of said selection on condition that they would be received in lieu of whole sections.

I must here ask the favor of you to advise me which course to pursue, if application shall be made for the last described lands. Can I withhold them from sale, or must they be brought under the 9th section of Circular, dated January 1st, 1836.

Very respectfully, your obedient servant,

R. J. HACKLEY.

THOS. H. BLAKE, Esq., Commissioner General Land Office.

GENERAL LAND OFFICE, August 6, 1845.

Sir:—Your letter of 21st June last has been received. In reply to so much of it as relates to the selection of some fractional sections for a Seminary of Learning, by Wm. P. Duval, Esq., while Governor of Florida, and not approved by him, as the Hon. Secretary of the Treasury of the United States could only approve of said selection, on condition that they would be received in lieu of whole sections," I have to state that these fractional sections are believed to be those, (3, 10 and 13, in T. 4 N., 7 W., and 33, in 5 N., 7 W.,) referred to in the "*lists*" enclosed to you from this office on the 3d of April last, as lands which may "be now selected by the agents," provided they be taken as full sections. You will for the present, and until the selection of the Seminary Lands shall be completed, withhold these fractional sections from entry of every description.

Should they not be embraced in the selections of the agents, they must then be treated in the manner pointed out in the 9th article of the Circular of the 1st January, 1836, before they can be subject to entry at private sale.

Very respectfully, your obedient servant,

THOS. H. BLAKE, Commissioner.

Register, Tallahassee, Fla.

GENERAL LAND OFFICE, September 19th, 1844.

Sir:—I have the honor to return herewith a communication from Thomas Baltzell and Walker Anderson, bearing date 27th May, 1844, reporting certain selections as *Seminary Lands* in the District East of the Apalachicola river, Florida. It is addressed to the Secretary of the Treasury, and was referred to this Office by the Acting Secretary, on the 12th of June, 1844, for the Commissioner's examination and report.

An enquiry having been made of this office by the agent of the Deaf and Dumb Asylum of Kentucky, whether two of the tracts selected by Messrs. Baltzell and Anderson had not been located for the use of said Asylum; it was found on examination, that the files of this office did *not* evidence the fact of said location, and the Tallahassee office was addressed on the subject. From Register's reply (herewith enclosed, bearing date 31st June, 1844,) it appears that there is no evidence in his office of the selection of the tracts in question, for the said Asylum. Accompanying this communication is also a letter from the Register at Tallahassee, dated 8th June, 1844, transmitting a copy of a letter received from Messrs. Baltzell and Anderson, notifying that office of their selection, as Seminary Lands, of the tracts embraced in their report to the Secretary.

The tracts selected and reported are now vacant, (so far as returns have been received at this office,) and it appearing that the selections have been made in accordance with the letter of instructions

from the Treasury Department, bearing date 30th March, 1844, they are recommended for your approval.

I am, sir, with great respect, your ob't serv't,

JAS. SHIELDS, Comm'r.

HON. R. J. WALKER, Sec. Treasury.

[The Commissioner's letter (with its enclosures) was returned to the General Land Office by the Secretary of the Treasury, on the 23d September, 1845, with Secretary's approval of the selections therein submitted, and endorsed on the said letter.]

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GENERAL LAND OFFICE, }  
September 25th, 1845. }

Gentlemen—I have to inform you that the Secretary of the Treasury has approved (on the 23d inst.) the selection of the undermentioned tracts, for the use of a Seminary of Learning in the District East of the Apalachicola river.

They were reported to this office by the Register at Tallahassee in his letter of 8th June, 1844, enclosing a copy of a communication received from Messrs. Thomas Baltzell and Walker Anderson, who were appointed by the Secretary of the Treasury to complete the selections for the use of the said Seminary :

West half of section 13,	} In T. 1, South, R. 5, East.
East       "       "       14,	
South     "       "       31,	
North    "       "       6, in T. 2, South, R. 5, East.	

You will please to note, *in ink*, upon your tract books and plats, the Secretary's approval of the said selections, in order to prevent any other disposition of the lands in question.

Very respectfully, &c.

JAS. CHILDS, Comm'r.

Register and Receiver at Tallahassee, Florida.

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*List of the Lands selected for a Seminary of Learning, under the provisions of the Acts of Congress of 3d March, 1823, and 29th of January, 1827.*

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(WEST OF THE APALACHICOLA RIVER.)

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All of Section 1, Township 5, N. Range 11, W.

E.  $\frac{1}{2}$  & S. W.  $\frac{1}{4}$  Sec. 2 ; S. E.  $\frac{1}{4}$  Sec. 3 ; N.  $\frac{1}{2}$  Sec. 4 ; W.  $\frac{1}{2}$  & W.  $\frac{1}{2}$  of E.  $\frac{1}{2}$  Sec. 6 ; all of Sec. 7 ; all in Township 5, N. Range 11, W.

S. W.  $\frac{1}{4}$  W.  $\frac{1}{2}$ , S. E.  $\frac{1}{4}$ , & E.  $\frac{1}{2}$  N. E.  $\frac{1}{4}$  Sec. 8 ; E.  $\frac{1}{2}$  S. W.  $\frac{1}{4}$  Sec. 9 ; N. W.  $\frac{1}{4}$  Sec. 10 ; S. E.  $\frac{1}{4}$  & N. W.  $\frac{1}{4}$  Sec. 12 ; E.  $\frac{1}{2}$  of N. W. Sec. 14 ; E.  $\frac{1}{2}$  Sec. 15 ; W.  $\frac{1}{2}$  S. E.  $\frac{1}{4}$ , & W.  $\frac{1}{2}$  N. E.  $\frac{1}{4}$  Sec. 21 ; S. W.  $\frac{1}{4}$  Sec. 22 ; S.  $\frac{1}{2}$  Sec. 23 ; S.  $\frac{1}{2}$  & N. W.  $\frac{1}{4}$  Sec. 24. All in Township 5, N. R. 11, W.

All of Sections 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, of T. 5, N. R. 11, W.

All of Sections 14, 23, 24, in T. 4, N. R. 7, W.

All of Section 18, T. 3, N. R. 9, W.

N. E.  $\frac{1}{2}$  S. W.  $\frac{1}{4}$  & E.  $\frac{1}{2}$  S, E.  $\frac{1}{4}$  of Section 6, T. 5, N. R. 10, W.

All of Sections 14, T. 5, N. R. 10 W.

Fractional Section 3, T. 4, N. R. 7. W.

" " 10, " " " " " "

" " 13, " " " " " "

" " 33, " 5 " " " " Lots 1, 2, & 5, since sold.

Approved if taken as entire Sections, but not yet accepted by Florida.

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(EAST OF THE APALACHICOLA RIVER.)

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All of Sections 5, 7, 15, 17, 18, 22, 23, 24, in T. 3, N. R. 3, W.

S. E.  $\frac{1}{2}$  & N. W.  $\frac{1}{4}$  Sec. 8, T. 3, N. R. 3, N.

All of Sections 17, 30, in T. 2, N. R. 4, W.

Fractional Sec. 29; W.  $\frac{1}{2}$  of Sec. 13; E.  $\frac{1}{2}$  Sec. 14; S.  $\frac{1}{2}$  Sec. 31, T. 1, S. R. 5, E. N.  $\frac{1}{2}$  Sec. 6, T. 2, S.

3477-251  
Lot-38







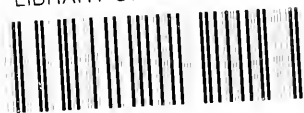




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